

June 19, 2007 CPC



STAFF'S
REQUEST ANALYSIS
AND
RECOMMENDATION

07TW0366

Michael and Marchetta Tench
(Clay Pointe Subdivision)

Clover Hill Magisterial District
(On the eastern line of Clear Ridge Terrace)

REQUEST: Michael and Marchetta Tench are requesting a Development Standards Waiver to the Zoning Ordinance provision in Section 19-510 (a)(1) to permit a camper to be parked in the side yard rather than the required rear yard. It should be noted that the request is a result of a complaint.

RECOMMENDATION

Staff recommends approval of the Development Standards Waiver subject to two (2) conditions, for the following reasons:

1. The parking area in the side yard adjacent to the house is behind the front plane of the home and is partially screened by the house and other vehicles parked in the driveway.
2. The subject property is one (1) of six (6) homes located on a short street terminating at a cul de sac. Consequently, there is very little traffic from the rest of the subdivision traveling on this street.

CONDITIONS

1. The camper shall be parked in the side yard behind the front plane of the home and at least five (5) feet from the side property line at all times except during loading and unloading activities.

2. This Development Standards Waiver shall be granted exclusively to Michael and Marchetta Tench, and shall not be transferable with the land.

GENERAL INFORMATION

Applicant/Owner:

Michael and Marchetta Tench

Location:

The eastern side of Clear Ridge Terrace, also known as Clay Pointe, Section A, lot 83 or 5037 Clear Ridge Terrace Tax 741-678-8708 (Sheet 16).

Existing Zoning and Land Use:

R-9; Single Family Residential

Size:

0.2 acre

Adjacent Zoning and Land Use:

North, South, East and West - R-9; Single family residential

BACKGROUND

The applicants state that they have parked a twenty-seven (27) foot pull camper in the same location in the driveway on the north side of the house since they purchased it one (1) year ago. The Ordinance requires that the camper be parked in the rear yard (behind the house) at least five (5) feet from the side lot line and ten (10) feet from the rear lot lines. After the property owner reviewed the situation with Zoning Enforcement Staff, it was concluded that a viable option was to request a Development Standards Waiver.

The property owners are requesting permission to retain the camper parking in the present location because the driveway offers a solid paved surface and the rear yard of the home is enclosed with a sectional vinyl fence set in cement. The applicants contend that in order to have enough room to park the camper as requested with this application, they sold one (1) of their automobiles. The applicant has submitted information to address the requirements of Section 19-19 regarding granting a Development Standards Waiver. (Attachment 1-2)

CONCLUSIONS

Staff visited the property and found it to be well maintained. A three (3) foot vinyl picket fence enclosed the rear yard with a two (2) foot gate permitting entry into the yard. The camper was parked on the north side of the home at the end of the paved driveway, behind the front facade of the home and screened by additional vehicle parking (Attachments 3-4). The subject property is located on a short residential street (Clear Ridge Terrace) containing six (6) homes and terminating at a cul de sac. Traffic using Clear Ridge Terrace would be limited to the six (6) households living on the street along with their respective visitors (Attachment 5). Staff believes approval of the Development Standards Waiver will not adversely impact the neighborhood, and recommends approval with the two (2) conditions in this report.

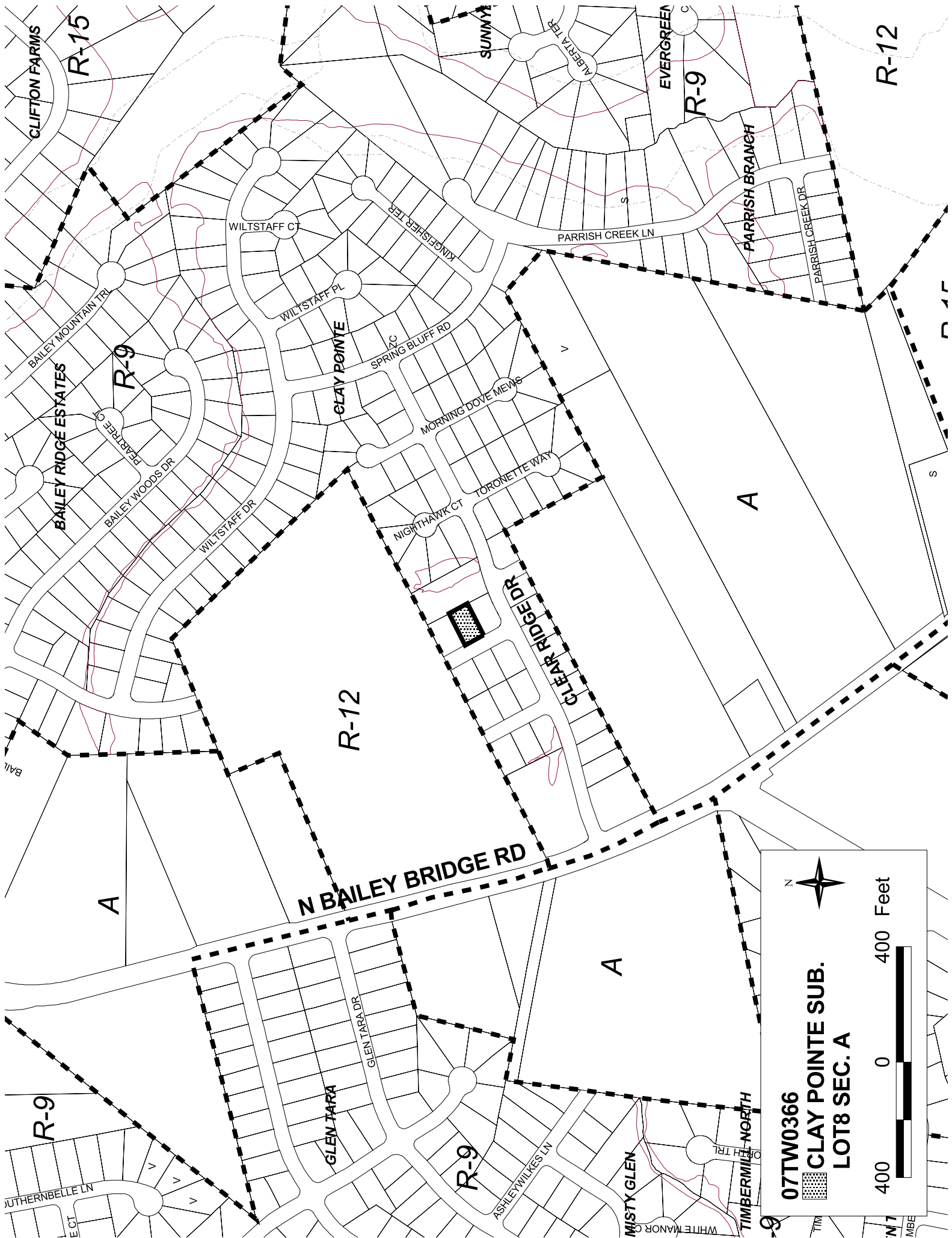
REQUIRED FINDINGS – Section 19-19

The Planning Commission may grant a Development Standards Waiver to development standards or requirements specified in the Zoning Ordinance if it is determined to be in substantial compliance with all of the following factors:


- (1) By reason of the exceptional narrowness, shallowness, size or shape of the specific piece of property or by reason of exceptional topographic conditions or other exceptional situation or condition relating to such property the strict application of the terms of the ordinance would effectively prohibit or unreasonably restrict the use of the property.
- (2) The granting of the modification will alleviate a clearly demonstrable hardship as distinguished from a special privilege or convenience, and the hardship is not shared generally by other properties in the same zoning district and the same vicinity.
- (3) The modification will not be injurious to the use and enjoyment of adjacent property owners; will not diminish or impair property values within the neighborhood; will not change the character of the district; and will not be detrimental to or endanger the public health, safety or general welfare.
- (4) The condition or situation of the property concerned or the intended use of the property is not of so general or recurring a nature as to make reasonably practicable the formulation of a general regulation to be adopted as an amendment to this chapter.
- (5) The granting of such modification will allow the project to comply with the Comprehensive Plan.

The Planning Commission shall not grant a modification to any development standard or requirement if:

- (1) The granting of the modification will constitute the granting of a variance, special exception, conditional use or a rezoning.
- (2) Ordinary financial considerations are the principal reason for the requested modification.
- (3) The modification amends a property-specific condition imposed by the Board of Supervisors or the Board of Zoning Appeals, unless such condition specifically grants such modification authority to the Planning Commission.
- (4) The applicant created the condition or situation generating the need for the modification and the applicant has not exhausted all other practicable solutions to the problem, including, but not limited to, the acquisition of additional property, the elimination or redesign of structures, or the reduction of development density.




07TW0366

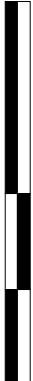
 **CLAY POINTE SUB.**

LOT 8 SEC. A

N



400 0 400 Feet



This page is blank.

RECEIVED

APR 06 2007

DIRECTOR
PLANNING DEPT.

4-5-07

1. We have a permanent vinyl fence based in cement that hinders our ability to move the RV. There isn't an entrance gate big enough to back the RV into & would have to rip out 3 sections & yard to make a gate & re-cement new fence into ground & repave where it would sit. Also have a shed there.
2. Granting this waiver will alleviate the financial hardship that we currently ^{will} have that moving/storing this RV would cost us. Moving the RV will also make it visible to all. Now the RV is out of site beside our home.
3. modification will not be a problem for anyone surrounding us. RV is parked on side of house and unobtrusive. RV sits approx. 40 ft from roadside and creates no hazard to public health & safety whatsoever. It sits approx. 20 ft from property line. RV will not hinder emergency vehicles or block any exits in any way.
4. RV sitting where it is currently will not bother ~~our~~ neighbors on either side of our home. Granting a modification will not cause a amendment to be adopted for

This page is blank.

the reason that future residents of property if ever sold may not ever have or want an RV. Also granting modification will not change the run of the land and is solely for us.

5. Granting modification will also allow us to park our RV in compliance of Chesterfield County zoning ordinances "section 19-520A1"

Again our neighbors do not oppose and have not opposed parking vehicle where it sits. Moving the vehicle to backyard frankly would worsen the view for our surrounding neighbors would worsen the street view.

Mrs. Linda Trench
home 744-9466
add. 5037 Clear Ridge Terr.
Midlothian, Va. 23112

This page is blank.



This page is blank.



This page is blank.

